



DEATH'S OPTION

by GARY BARTON

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I don't know why I happened to stroll into Marty's. Maybe I wanted to sit down a while after having been chasing out of homicide all day. Maybe I wanted to have a beer and watch the show.

I know damn well I wasn't thinking of murder!

But I started thinking about a lot of things when I lamed the girl sitting in the corner booth; and they all didn't have anything to do with her figure. One of those gorgeous Broadway creations—raven-black hair, dark eyes and that glamorous but cold beauty born in the theater.

But she wasn't turning on the glamour, now. Her lips trembled; her eyes were wide and staring—staring at me! And they were filled with terror. In a swift glance, I took in the party with her—the young, dark-haired chap next to her: the heavy-set, middle-aged man at the head of the table with the long, black cigar in his mouth; the paunchy, bald-headed guy on the opposite side of the table, obviously on the make for the hard-looking blonde on his right. They all seemed to be having a good time, chatting among themselves.

All but the raven-tressed girl. I turned back toward her. But with that fleeting, frightened glance she had looked away. But that was enough. There was something wrong, here. I knew it! I could feel it.

I wondered what I was supposed to do about it. I couldn't just bust in on that little party. I couldn't—

I didn't have to wonder any longer. The man's blood-cilling scream snapped me to my feet. I covered the yards to that table in two leaps. The middle-aged at the head of the group had slumped across the table, knocking glassware and service clattering to the floor. He lay with one side of his face up; he clawed convulsively at the table linen. Bubbling, gurgling sounds escaped from his lips. Then, like a spent balloon, he spraddled out and lay still.

And tiny wisps of smoke drifted from his mouth!

I stood watching him for a moment, fascinated by those lazy curls of smoke. Women were screaming, men shouting; everyone was clustering around the table. The place was suddenly a bedlam! It, shook me out of my daze.

“Who is this guy?” I said to the little paunchy man who was nervously wringing his hands next to me. It was the fellow who had been making the play for the blonde. I said, “And who are you?” I bent down to examine the dead man.

“He’s Lucius Goldswaite. He ... he must have had a heart attack or—”

“Heart attack—hell!” I snapped. I had seen the blue tinge on the otherwise florid face. Goldswaite’s lips were purple-black; his tongue swollen. He was dead! I said: “He’s been murdered!”

“M-murdered?” The short fellow seemed about to fold on that one. His jaw sagged and his watery-blue eyes swam in his head. B-but—”

“Who are you?” I shot at him again.

“M-my name’s Gracey, Marshall Gracey. I’m ... was Mr. Goldswaite’s associate.”

Gracey—Goldswaite. The names clicked in my mind. Goldswaite & Gracey. Lucius Goldswaite was the biggest theatrical producer on Broadway. It rang another bell.

“Where’s that girl?” I looked through the mob that crowded the table. “The babe with the black hair—the one that was sitting here?” I didn’t see her.

Gracey swung his eyes over the room, his mouth worked overtime. “Janet Marsh? She was ... here a-”

A helluva lot of good that did me. She wasn’t here now! She’d lammed!

“Who is Janet Marsh?” I took a shot in the dark. “Why did she murder Goldswaite?”

“She didn’t!” It was the darkhaired chap who had been sitting with Janet Marsh. “She didn’t kill Goldswaite. She . . . she probably got frightened and ... and-”

I’ll say she got frightened, I thought. She was frightened before the producer was murdered!

“How do you know she didn’t kill him?” The blonde’s tone could have been used to advertise frosted foods. “I’d say she had plenty of reason to kill Goldswaite.”

“Shut up, Lana!” the young chap shouted.

I figured I might have something here.

“Go on,” I said to Lana. “What’s the dope on Goldswaite and Janet Marsh?”

“Well—Goldswaite had Janet under contract,” Lana said, and she reminded me of a spinster at a Wednesday social. “A couple weeks ago Janet got an offer from Hollywood. But she’s Goldswaite’s leading lady in his new show, and he wouldn’t release her. It meant about a thousand a week to Janet.”

“I suppose you hadn’t any reason for wanting to get rid of Goldswaite,” the dark-haired fellow said. “You wanted him to release Janet. You wanted her spot in the show. You were sore—”

That seemed to rub Gracey’s fur the wrong way. He didn’t like the dig at Lana.

“Lana had no reason,” he snapped. “She’s still here. That’s one point that isn’t in your sister’s favor,” He said: “And being Janet Marsh’s brother, Wayne, I don’t suppose you’d have anything to do with this I rather recall your telling Lucius to release Janet from her contract—or else-”

This was getting to be a free-for-all. Not only was there a man dead, but the guy’s friends were all trying to pin it on each other. But that didn’t alter the fact that Janet Marsh had scrambled just after Goldswaite had dived across the table. And she’d had a motive to kill her producer. What a motive! Keeping an easy grand per week out of the hand of one of these Broadway gals is a good way for any guy to commit suicide.

The boys from homicide were on the job by then. Someone, probably the management, had put in the call.

“This how you spend your time off, Kane?”

I turned to look into the rough face of Lieutenant Haley of the homicide squad. My chief. I ignored the crack. “Lucius Goldswaite, lieutenant. Murdered—poisoned. He’s the theatrical biggie.” I thought about Janet Marsh. Then I said, simply: “Better hold these two for material witnesses.” I motioned to Lana and Gracey. “I have a job to do.”

I turned to Wayne Marsh and shoved him through the gathering onlookers to the door. “We’re going to find your sister. Where does she live?”

“But Janet wouldn’t have done anything like that. I told you-”

“Well, if you’re so damn sure she didn’t, you have nothing to worry about. I want to talk to her. And that won’t be as bad as it will when the boys at Centre Street start to work on her.”

We hopped a hack and started uptown. Wayne gave the driver a Central Park South address and we swung over Fifty-seventh. Wayne seemed plenty nervous sitting next to me. What’s more, he wouldn’t open his mouth. Whether he knew anything or not, he certainly wasn’t going to spill. I tried to pump him about that “or else” stuff he had pulled on Goldswaite. He was just dumb. I started to get tough, then saw we were rolling into Central Park South. I figured I’d get the whole set-up when we reached Janet’s.

It didn’t occur to me that I wouldn’t reach Janet’s!

I leaned over to pull a pack of butts from my trousers pocket. I thought the top of the cab had caved in; crashed down on my head! I slumped down off the seat, grabbed for the coat that moved in the blur above me. I yanked down with one hand; my other diving for my shoulder holster. It never made it. Again something crashed over my skull, and my head seemed to leave my shoulders. I don’t remember anything after that; no shooting stars—nothing. I just went out of this world!

Somebody seemed to be setting off little explosions inside my head. I was sorry that I had regained consciousness. I was rolling. I wondered where. I wondered how long I had been out. Then I remembered as my head began to clear. I was in the bottom of the cab. I pulled myself up to the seat. We were on the Henry Hudson Parkway.

“Where the hell are you going?” I shouted to the driver.

“Westchester,” he called through the partition. “Your friend said you’d had too many vanillas an’ passed out. He said to-”

I didn’t hear the rest. I swore my head off. I don’t know whether the blue smoke was wafted at the cabby or at Wayne Marsh. I didn’t care. I only knew that I was good and mad for the way I’d let Janet’s brother hang one on me. And once more I began to think about this “or else” business that Wayne had put on his sister’s producer. It was logical that he had put me temporarily out of the way to give his sister a chance to get out of town; that he really knew she had killed Goldswaite. It was also logical that he had done it to

put himself in the clear. I weighed the two. I didn't get an answer.

I started to tell the cabby to go back to the address Wayne had first given him. Then I reflected that it had been phony. I ordered him to pull off the Parkway and find a phone booth. I could call headquarters and have them put out a quiet for Wayne, and at the same time have them get Janet's address from Gracey. They should have Lana and Gracey pumped dry down there by now.

The heap wheeled into the curb in front of a drugstore up in the Marble Hill section. I hopped out and went into the phone booth; got Haley at homicide.

"Well—if it isn't Philo Vance," the lieutenant snarled. "Listen, Kane—any more boners like that one you pulled tonight, and you'll wind up back in a blue serge suit."

"I don't get it," I started.

"Goldswaite wasn't murdered! The coroner's autopsy shows he died a natural death. Ulcers! If those two witnesses you had us put the heat on ever squawk, I'll get in the grease with the commissioner. And Lord help you if I do!"

I started to say something about the smoke I'd seen come from Goldswaite's lips. But perhaps the smoke had come from the cigar—from his stomach when he gagged. It sounded foolish, now. Anyway I didn't. I couldn't have said anything. Haley had slammed the phone in my ear.

Maybe I should have forgotten about the whole thing and gone home to bed. But, somehow, Lieutenant Haley's words didn't hit home. I still thought Goldswaite had been murdered. Don't ask me why. It was all too screwy for me to figure out just then.

I thumbed through the phone book, then dialed Gracey's home on the Drive. He sputtered his head off about having been illegally arrested or something; but he wasn't reluctant about giving me Janet Marsh's address. It was the same as Wayne had given the cab driver. It didn't add up.

But one thought did stand clear in my otherwise befuddled mind: Wayne hadn't been protecting his sister. He would have known that I'd go to her apartment after I regained consciousness. Unless, of course, he had figured on getting Janet out of sight before I had time to come to and get back.

Somehow, though, I figured that the whole set-up rested on Wayne Marsh rather than on his sister!

I had the cabby speeding back the Express Highway by then. The promise of an extra fin had him racing the lights across Fifty-seventh Street. I was almost glad I hadn't promised him more.

"Wait!" I shot at him as he braked to the curb. I was halfway to the apartment-hotel entrance before the heap stopped rocking. The doorman probably didn't see anything except a blur and the gold shield that I flashed in his face. I grabbed the waiting elevator. "Miss Marsh's apartment—fast!" The shield meant that I wasn't in the mood to answer questions.

"7-C," the operator said. He stopped the car at the floor and slid open the doors. I saw the ring of pass keys, hanging over his control panel. I said: "Open it!"

Maybe it was the shield again that did the trick. Maybe it was the set of my jaw. He started to say something; then he walked ahead and opened 7-C. I didn't expect to find either Janet or her brother awaiting visitors. Certainly not. But I wanted to have a look around. I might find something.

I did! I found Wayne Marsh. But I didn't have to worry about his hanging another lump on my head. He was sprawled on the floor near the bedroom. I raced over to him. A bullet had crashed into his chest. And not many minutes before; the blood hadn't clotted yet. I reached for his wrist and a breath of relief whistled through my teeth.

He wasn't dead-yet.

I carried him quickly to the bedroom and laid him on the bed. Then I grabbed the phone and called headquarters. I didn't bother getting Haley this time. I just told them to send a couple of boys and an ambulance. Mostly the ambulance. Wayne was on his way out. He couldn't last! I wanted the homicide men here in case he came to and talked: before he cashed in altogether.

Also, I wasn't going to be here when they came. I had work to do that wouldn't wait. I was no good to Wayne, now, anyway. Unless it did any good to be beside him when I prayed.

Whether I was praying or just thinking, the sound outside snapped me out of it. I'd heard someone moving around in the living room. I raced out of the bedroom. My Positive had jumped into my fist, ready to blast whoever was out there to hell and back. I was tired of playing hide and seek in this mess.

The living room was empty. But I heard a pattering of footsteps in the rear of the apartment. A door slammed. My playmate wasn't being cautious. He-or she-was in too big a hurry! I pushed through the kitchenette, saw a door leading from it and chased the gun through it. I was in the rear entranceway -the service entrance. The little red disk on the elevator read: In Use.

I didn't bother with the elevator. I went down those seven flights of stairs faster than that hoist could have gotten up from the first. The doorman got out of the way fast as he saw me coming through the lobby.

I skidded onto the sidewalk on my heels and caught a wisp of blue silk piling into a cab. I didn't think it was a maid hurrying to her date. The heap slammed gears and lit up the street toward Fifth. I hopped my own waiting cab.

"Follow that taxi that just pulled away," I growled at him. "And Lord help you if you lose it."

I guess he was getting used to this stuff. I bounced back against the seat as the cab jumped away from the curb.

My thoughts were spinning so crazily that I didn't try to straighten them out. I couldn't figure Janet Marsh shooting her brother. That left the girl in the cab ahead to be Lana. But that didn't click, either. Lana knew-or thought, as Gracey did-that Goldswaite had died a natural death. She had been at headquarters when the report came from the coroner's office. I couldn't see why she would be going around shooting up the town to cover-or for any other reason.

But I still didn't think the girl in that cab was Janet. Well-I'd soon find out. Her cab swung down Fifth and my boy was right on top of it He was good. But I couldn't see the girl She kept herself well out of sight in the corner of her seat.

The light at Fifty-seventh Street went against us. That didn't make any difference to the cab in front. It jumped the light and wheeled east. I yelled at my driver to follow. He did—but not far! He didn't quite hurdle the truck that was roaring north. He straddled it!

I paid off my boy, gave him my shield number and lit out fast. I didn't have time for arguments. Maybe that babe thought she had slipped me. But I knew different. I still had Lana in mind as the girl in the blue dress; the girl who had bumped Wayne Marsh. I wasn't forgetting Wayne's remark in Marty's about Lana's having had a reason to get rid of Goldswaite. Her getting away, now, meant only a matter of time.

I strode into a cigar-store phone and had a break finding someone at Equity. My shot about police business got me the address of a Lana Arlen in Lucius Goldswaite's new show. It was in the Eastgate section over by the river. Another cab had me there before I had a chance to do much more figuring on this screwy case, save how a showgirl like Lana Arlen could keep an apartment in Eastgate. I thought I knew. "Keep" was the word.

I got her apartment number from the clerk on the desk and went on up. I grimly thought that shield of mine was going to be worn out before this night was over. Or perhaps I wouldn't have a shield at all. I reflected differently on that one.

I rapped on the door of Lana's apartment. That was just to give her a chance to open. It didn't mean that I wouldn't get in if she didn't. I've never seen a lock yet I couldn't break. But I wouldn't have to break this one. The door swung ajar with my knock. I waited a moment, my ears strained for the sound of movement inside. I heard none. I pushed the door all the way open with my gun and went in.

The apartment was dark-with the ominous silence that accompanies darkness! A foreboding chill tingled my spine; I couldn't explain it. I could feel danger lurking in the place! It pounded in my head; misted my face with cold sweat.

I felt soundlessly along the wall of the foyer for a light switch. I found it; snapped it on. I wanted to snap it off again. Light flooded the room and my eyes fell on Lana Arlen. I knew that Lana Arlen hadn't shot Wayne Marsh. I knew that she hadn't been the girl in the blue dress.

Lana Arlen was dead!

I choked the nausea that welled up from my stomach and tried to pull myself together. I strode over and knelt beside the actress. Gore matted her blond hair, ribboned over her silk housecoat. The back of her head had been smashed in and her face was beaten and broken. I looked around the room, hoping to find the murder weapon. I didn't find one.

But I did find the wastebasket, and my heart did a couple of leaps when I pulled the torn scraps of paper from it. I plected the scraps together. It wasn't a difficult job. Whoever had torn them hadn't done so solely to destroy them; had merely torn them three or four times and tossed them into the basket.

The first was Lana Arlen's contract with Lucius Goldswaite. And suddenly I

knew a lot about this case—these murders.

The second was the contract of Janet Marsh!

My mind did a leap and a half gainer and landed back where it started. And I wondered where I could get hold of Janet Marsh. I had a plan. If it worked I wouldn't have to worry about losing my shield. If it didn't—

On the strength of the second thought, I decided to call Lieutenant Haley. I told him what I was going to do; what I wanted him to do. I backed it up with the attempted murder and the honest-to-goodness murder that I'd uncovered tonight.

I quit Lana's apartment and headed for Riverside Drive. That's right-Marshall Gracey's home. I wasn't going on guesswork, altogether. I had reason to believe that Gracey had been on Janet's side in her attempt to get Goldswaite to release her contract. If there were any logic in that brainstorm; then it was also logical that Janet would go to Gracey if she were in a jam. And she had certainly dived headfirst into a jam tonight!

I didn't relish the thought of finding her at Gracey's, but it was the only place I could think of where she might be. I had to take that chance.

I had no trouble getting up to Gracey's penthouse. It's marvelous what a fin will really do at times. I wasn't furtive when I rang the bell in the outside hall. While I waited for an answer, I wondered if Goldswaite's associate had told Janet about the coroner's report. I had reason to think he hadn't.

Gracey, himself, let me in. Rather, he opened the door, I barged past him. I said: "Where's Janet Marsh?"

Gracey was spluttering something. I caught a bit of blue dress moving through the living room just beyond the ell of the foyer. I made the room and saw Janet Marsh tugging frantically at a door on the other end of the room.

"O. K., Janet," I said. "It's all over."

She whirled toward me and I froze. The .45 automatic in her small hand looked like a 37 mm. field piece. I took a step forward and she pointed it straight at me! I wondered if it would go off. I thought it would. She wasn't fooling. Her dark eyes were cold and glazed with near-hysteria-almost a mania. Her voice hit E as she screamed:

“Stand where you are, Jerry Kane, or I’ll shoot!” I wondered how she knew my name. I took another step. “I killed Lucius Goldswaite,” she said. “He had it coming to him. My brother didn’t do it. I did it! I killed him!”

The last hit me square. Apparently Janet didn’t know yet that her brother had been shot. It told me a lot of things. I took another step toward that waiting automatic. “Don’t!” she screamed. “Don’t move!” I took another. The rod was almost touching my stomach. Her eyes blazed murder. Her finger whitened on the trigger. “Don’t! For God sakes—I’ll shoot!”

My left hand lanced out and grabbed the automatic. My right snapped up and clipped across her pretty chin. I never hit a woman; I’d hoped I’d never have to. But I had to hit this one. That gun might have gone off. Besides I wanted her asleep for a while.

Nerve? No—remember I said the gun might have gone off. Odds were with me that it wouldn’t have. She didn’t know how to handle an automatic. She hadn’t released the safety, I laid Janet Marsh gently on the floor, and turned to Marshall Gracey.

He had slumped his squat frame into a chair. His heavy face was white, and his watery eyes mirrored profound relief. I had to laugh thinking what must have gone through his mind as I walked up to that gun.

“B-but I thought Lucius died a natural death?” he stammered.

“Goldswaite was murdered!” I lied: “That report was to draw out the killer.”

“It’s unbelievable.” He looked at the inert figure of Janet. “I would never have thought she would do anything like that-”

“I’m not so sure she did,” I snapped. He looked at me with a peculiar light in his eye. I wondered if it was surprise. His mouth opened to speak. I said: “Let it pass.”

Gracey reached for a bottle of beer on a serving table beside his chair. “Beer?” he asked, pouring a second glass. “Don’t mind if I do.” I stood up, feeling my pockets for a smoke.

He was cutting a slice of pie. He said: “There are cigarettes over on that table. Pie?” I turned to a smokador on an end table in back of me. “Thanks,” I answered him.

I lighted the cigarette, strode back and took the chair he’d offered me, next to the serving table. I took a piece of pie with my fork. It wasn’t bad. Green apple. I laughed at that one. Green apple sometimes gives a

guy a stomach ache. Lucius Goldswaite certainly had a stomach ache.

I was waiting for Gracey to say something. He didn't. He was just staring at me—rather intently, I thought. I took another bite of the pie.

Suddenly I dropped my fork; grabbed my stomach! I doubled over and sank to the floor. The scream that broke my lips was a new high in terror.

I heard Gracey's piercing, crazed laugh above me. I tried to raise myself on my hands. I couldn't. My face scraped along the carpet.

"I don't know whether you had me pegged for those killings, Kane," Gracey was saying, "but I'm not taking any chances. Janet Marsh can take the rap for this one, too." He laughed again. Damn that laugh!

I squirmed on the floor. Little wisps of smoke curled back off the carpet, stung my eyes! Smoke! I thought of the smoke that had drifted from Lucius Goldswaite's mouth.

"You're dying, Kane," Gracey was saying. "And nobody will ever know why. You're dying of ulcers and—"

He stopped speaking; stopped laughing. I heard someone crashing the door. I rolled over on my back. Lieutenant Haley and his boys were piling into the room. I heard the theatrical producer say something about my having had a heart attack. I laughed. Maybe because it sounded funny; maybe because I had heard him say that before. Yes—I laughed.

Dying? Hell—I was just a good actor, that's all. I had even fooled a theatrical producer. I looked at the homicide lieutenant. I could tell he couldn't figure it all out. I said:

"Take him in, lieutenant. Marshall Gracey is the killer of Lucius Goldswaite." The chief looked at Gracey quierously. I helped him: "Goldswaite wouldn't release Janet Marsh to Hollywood, and Gracey wanted her to go. You see—he was nuts about Lana Arlen. She couldn't see him. But he knew if Janet went to the coast, he could get Lana the lead in Goldswaite's show and be head man. Murder was his way of getting Janet's contract released and getting Goldswaite out of the way."

The lieutenant still was in the dark. He said: "But who killed Lana?"

"Gracey went to Lana's apartment. To show off, he probably tore up her contract and Janet's and promised Lana the lead. That's how I knew he had been there. I knew that only Gracey would have both those contracts. Lana,

no doubt, got the drift that Gracey had murdered Goldswaite. Maybe she got scared. Maybe she didn't want him even though it did mean the lead in the show. Anyway, something threatened to cross him; so he killed her! Even then, he thought he could make Janet Marsh the fall-guy. He tried to murder Wayne Marsh in her apartment, knowing that I had her pinned for Goldswaite's murder."

I thought of Janet, then. I walked over to her. A couple of cops were pulling her out of my fist-induced slumber.

"I thought you said that she was at the bottom of all this," the lieutenant said.

"Yeah—I did. I thought she had killed Goldswaite and had shot her brother. The way I see it now, she was afraid her brother was going to do something desperate after he had threatened Goldswaite. When Goldswaite was killed, she thought Wayne had done it. She tried to throw suspicion on herself; so she lammed. She even started to pump lead into me to make me think that she really was the killer. I saw her leave the apartment after Wayne was shot. I think, when she can talk, she'll explain that she had just walked in, heard me talking to headquarters and beat it. By the way—how is Wayne?"

"He'll pull around," Haley said. "Nasty wound, though." His brow furrowed and he said: "But the coroner's report—"

I stepped over to the serving table and dug a capsule out of the pie- my pie. It was a small gelatin medicinal capsule.

"The murder 'weapon,' chief," I said. "This probably contains metallic sodium or something similar. When Goldswaite swallowed one of these with his food, and it struck water in his stomach—it flamed. Burned out his stomach, in other words. But the best part—as far as the killer was concerned—was that nothing showed in the autopsy except perforated ulcers. Gracey planted this in my pie, but I was way ahead of him."

"Death by natural cause," the lieutenant mumbled. He turned to Gracey. "Lightning is, too—as you'll find out."

The End.